

EXECUTIVE ORDER NUMBER 27

WHEREAS, in 2008, Congress passed the Energy Improvement and Extension Act of 2008 to amend the Internal Revenue Code of 1986 (the Internal Revenue Code) to provide for new categories of tax credit bonds, including Qualified Energy Conservation Bonds authorized under Section 54D of the Internal Revenue Code (QECBs); in 2009, Congress passed the American Recovery and Reinvestment Act of 2009, which increased the national limitation on the amount of tax credit bonds that may be designated as QECBs under Section 54D(d) of the Internal Revenue Code, thereby providing the State of Alabama with increased bond allocations for issuance of QECBs; in 2010, Congress passed the Hiring Incentives to Restore Employment Act, which amended Section 6431 of the Internal Revenue Code to give issuers of QECBs the option to receive direct subsidies from the federal government instead of providing tax credits to the purchasers of these bonds;

WHEREAS, QECBs may be issued to provide funds for public and private programs that serve a “qualified conservation purpose” under Section 54D of the Internal Revenue Code, including projects designed to reduce energy consumption, implement green community programs, develop renewable energy and other energy technologies, and promote energy efficiency;

WHEREAS, the Alabama Department of Economic and Community Affairs (ADECA) was created in 1983 pursuant to Section 41-23-1 *et seq.* of the Code of Alabama 1975 (the Alabama Code) to provide for a single executive branch department to administer federal programs in the State and to replace certain then existing state agencies and departments, including the Alabama Department of Energy and the Office of State Planning and Federal Programs;

WHEREAS, the responsibilities of the Alabama Department of Energy transferred to and vested in ADECA include those listed in Section 41-6A-4 of the Alabama Code, which provides ADECA with the authority to administer and coordinate federal energy programs delegated to the state and to perform any functions required for implementation of those programs; the responsibilities of the Office of State Planning and Federal Programs transferred to and vested in ADECA include those listed in Section 41-9-211 of the Alabama Code, which provides ADECA with the authority to advise and consult with state agencies, political subdivisions and local units of government to increase their capacity to identify and obtain all forms of federal assistance;

WHEREAS, pursuant to Section 41-9-209 of the Alabama Code, the Governor is authorized to establish advisory committees or councils within ADECA and to appoint the members thereto in order to enable ADECA to carry out the responsibilities transferred to and vested in ADECA under Section 41-23-1 of the Alabama Code; pursuant to Section 41-9-208 of the Alabama Code, the Governor is authorized to provide for the reimbursement of costs of any advisory committee or council so created; and,

WHEREAS, pursuant to Section 54D(d) of the Internal Revenue Code and Notice 2009-29, the Secretary of the United States Treasury has allocated \$48,364,000 in volume cap for QECBs to the State of Alabama.

NOW, THEREFORE, based upon these considerations and for other good and valid reasons related thereto, I, Robert Bentley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, hereby order as follows:

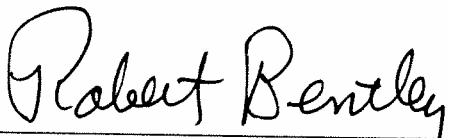
1. ADECA is hereby designated as the state agency responsible for the administration of any and all aspects of the QECB program in the State of Alabama.
2. ADECA shall develop a process to allocate, and reallocate as necessary, QECB volume cap currently available and any increased amounts available in the future to local governments and state agencies, all in accordance with the requirements of Section 54D of the Internal Revenue Code and regulations, rulings or other determinations promulgated thereunder and in accordance with state energy policy.
3. An entity known as the **Energy Bond Allocation Committee (EBAC)** is hereby created consisting of the Director of ADECA, the State Finance Director and the State Treasurer, or their respective designees, which shall meet periodically as needed, at the call of its chairman or the Director of ADECA or their designee, to approve allocations, including reallocations of QECB volume cap based upon the recommendations of and in accordance with QECB volume cap policies and procedures developed by ADECA. The membership, or their designees, may select a chairman upon a majority vote. All members, or their designees will serve in addition to their current state duties and will receive no additional compensation.

BE IT ORDERED that this Executive Order become effective immediately upon signing and shall remain in force until such time as it is modified or rescinded by the Governor.

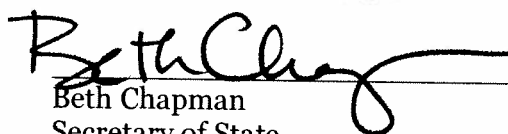
DONE AND ORDERED this 2nd day of December, 2011.



Attested



Robert Bentley
Governor



Beth Chapman
Secretary of State